

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-20262

Hon. Matthew F. Leitman

v.

AUSTIN JOSEPH LASH,

Defendant.

/

**ORDER DENYING DEFENDANT’S MOTION FOR RETROACTIVE
APPLICATION OF SENTENCING GUIDELINES (ECF No. 82)**

On July 15, 2021, Defendant Austin Joseph Lash pleaded guilty in this Court to one count of transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(1) pursuant to a Rule 11 Plea Agreement. (*See* Plea Agreement, ECF No. 64.) At Lash’s sentencing, the parties agreed that Lash’s total offense level under the United States Sentencing Guidelines was 32, which included two status points based on Lash’s criminal history. (*See* 11/23/2021 Sent. Tr., ECF No. 81, PageID.912.) Lash’s sentencing guidelines range was 135 to 168 months. (*See id.*) The Court ultimately sentenced Lash to a below-guidelines sentence of 78 months in custody. (*See* Judgment, ECF No. 75, PageID.783.)

On November 12, 2024, Lash filed a motion in which he asked the Court to reduce his sentence. (*See* Mot., ECF No. 82.) Lash asserts that under a recent amendment to the United States Sentencing Guidelines that applies retroactively to

him, Amendment 821, Part A (“Amendment 821”), he would now be assigned zero status points based on his criminal history. (*See id.*) Thus, Lash says that his new sentencing guideline range would be 121 to 151 months. (*See id.*) Lash seeks resentencing in light of the decreased guideline range.

The Court has carefully reviewed Lash’s motion and denies it. Pursuant to 18 U.S.C. § 3582(c)(2) and USSG § 1B1.10, a defendant is not entitled to a reduction of his sentence based on Amendment 821 if he was sentenced to a term of imprisonment below his revised guidelines range. Here, as explained above, the Court sentenced Lash to a term of 78 months, which remains substantially below his revised guidelines range of 121-151 months. Accordingly, because Lash is not eligible for a reduction in his sentence based on Amendment 821, his motion for a reduction in sentence (ECF No. 82) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: April 7, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 7, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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